

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-18025 - APPLICANT/OWNER: THE AQUITANIA CORPORATION

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-8649), Variance (VAR-8651), and Special Use Permit (SUP-8814), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 11/07/06, except as amended by conditions herein.
4. A Waiver from residential adjacency requirements is hereby approved, a residential adjacency setback of 57 feet where 375 feet is the minimum required.
5. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
6. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
7. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
8. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
9. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.

10. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
11. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & R's.
12. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. An update to the previously approved Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
15. Site development to comply with all applicable conditions of approval for SDR-8649 and all other applicable site-related actions
16. The proposed building shall be designed and constructed such that there are no balconies or other permanent structures within the public right-of-way.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Modification to an approved Site Development Plan Review (SDR-8649) a proposed addition of a 2,600 square-foot restaurant and an addition of 40 feet in height of an approved mixed-use development and to allow a residential adjacency setback of 57 feet where 375 feet is the minimum required.

The proposed changes to the project include the addition of a 2,600 square-foot restaurant to the top of the proposed development, adding additional height to the building of 40 feet. Also the first floor is 18 feet in height rather than the 13.5 feet that was part of the original approval and the addition of space between floors for construction purposes, adding balconies to the proposed project as well as a dog run area and pool to the roof. The change in height affects the residential adjacency requirements. The changes are considered appropriate and an enhancement to the proposed mixed-use project. Approval of this project is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/20/02	The City Council approved a Rezoning (Z-0046-02) to C-1 (Limited Commercial), a Special Use Permit (U-0114-02) for a multi-family senior apartment complex, a Variance to allow lot coverage in excess of 50% for a senior apartment complex, and a Site Development Plan Review [Z-0046-02(1)] for a 256-unit multi-family senior apartment complex with 20,000 square feet of commercial development on the subject property. The Planning Commission and staff recommended approval.
11/17/04	The City Council approved an extension of Time (EOT-5402) for a Rezoning (Z-0046-02) to C-1 (Limited Commercial); an Extension of Time (EOT-5404) for a Special Use Permit (U-0114-02), which allowed a multi-family senior apartment complex; and an Extension of Time (EOT-5403) for a Site Development Plan Review [Z-0046-02(1)] for a 256-unit multi-family senior apartment complex with 20,000 square feet of commercial development on the subject property.
11/02/05	The City Council approved a Site Development Plan Review (SDR-8649) for a mixed-use development with 296 residential units and 34,700 square feet of commercial space and waivers in building placement; street and foundation landscape standards; front, corner side, and rear yard setback requirements; and to allow a 241-foot residential adjacency setback where 249-feet from residential property is required, a variance (VAR-8651) to allow no step back where a 1:1 step back ratio is required above 35 feet, and a special use permit (SUP-8814) for a proposed mixed-use development at this location. The Planning Commission and staff recommended approval.

08/24/06	The Planning Commission approved a Tentative Map for a mixed-use subdivision consisting of 296 residential condominium units and one commercial lot. Staff recommended approval.
09/20/06	The City Council approved an Extension of Time of an approved Rezoning (Z-0046-02) from R-2 (Medium-Low Density Residential) and C-M (Commercial/Industrial) to C-1 (Limited Commercial). Staff recommended approval.
12/21/06	<p>The Planning Commission recommended approval of companion item VAC-18045 concurrently with this application.</p> <p>The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #48/ng).</p>

<i>Related Building Permits/Business Licenses</i>	
There are no permits or licenses related to the proposed development.	
<i>Pre-Application Meeting</i>	
10/31/06	A pre-application meeting was held. It was noted that this would be a major amendment to the approved Site Development Plan Review (SDR-8649) and that the site would have to meet parking requirements.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.87

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	MXU (Mixed-Use)	R-2 (Medium Low Density Residential) and C-M (Commercial/Industrial) under Resolution of Intent to C-1 (Limited Commercial)
North	Shops and single-family residences	MXU (Mixed-Use) and C (Commercial)	R-2 (Medium Low Density Residential) and C-M (Commercial/Industrial)
South	Single-family residences and a parking lot	MXU (Mixed-Use) and C (Commercial)	R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial) and C-M (Commercial/Industrial)

East	Single-family residences and an office	MXU (Mixed-Use)	R-1 (Single-Family Residential) and P-R (Professional Office and Parking)
West	Shops and industrial uses	C (Commercial)	C-M (Commercial/Industrial) and M (Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown North Land Use Plan Area	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200-foot)	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

Per Title 19.08:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 feet	272 feet	Y
Min. Setbacks			
• Front	20 feet	12 feet	N
• Side	10 feet	10 feet	Y
• Corner	15 feet	7 feet	N
• Rear	20 feet	19 feet	N
Max. Building Height	N/A	125 feet	Y

Per Title 19.08.060

<i>Residential Adjacency Standards</i>
Residential Adjacency standards do apply to the subject proposal. These requirements were addressed with a waiver as part of the original Site Development Plan Review (SDR-8649). The proposed addition will increase the height of the building; a new waiver has been requested as part of this application request to address the change to this deviation from standards. The proposed addition is to the area of the building that is furthest away from residential development.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Retail	34,700 SF	1:250	139	5			
Residential:							
1 bedroom	188 units	1.25/unit	235				
2 bedroom	73 units	1.75/unit	128				
3 bedroom	35 units	2/unit	70				
guests		1/6 units	50				
Proposed Restaurant	1,265 SF	1:50	26				
	1,235 SF	1:200	7	2			
Sub-Total			655	7	670	12	Y
TOTAL			655		670		Y

ANALYSIS

There are several changes associated with this application request. The primary change is the addition of a 2,600 square-foot restaurant to the top of the proposed development. Secondly the applicant is adding additional height to the building by altering the first floor height to 18 feet rather than the 13.5 feet that was part of the original approval and the addition of space between floors for construction purposes. Balconies have been added to the proposed project. A dog run area and pool are also being placed on the roof. The change in height affects the residential adjacency requirements.

The addition of the restaurant along with the additional height added to the first floor and between floors will bring the overall height of the building to a total of 125 feet. The previously approved height was 83.5 feet. This is an increase of 41.5 feet. The portion of the building that is 125 feet tall is limited to a small area along Main Street. The building is designed to step down the closer it gets to First Street.

Regarding the addition of the 2,600 square-foot restaurant to the roof of this development will not have a negative effect on the area. The restaurant will be located adjacent to the Main Street side of the development. This is furthest away from single-family residential development. The restaurant will provide additional dining for the downtown area. The design will match the previously approved structure. The parking requirements for the development will still be met as the project will now provide 15 spaces more than required. The restaurant will feature 1,265 square feet of seating area and 1,235 square feet of preparatory area.

With the previous approval a waiver of residential adjacency requirements was requested and approved. This was defined to allow a 241-foot residential adjacency setback where 249-feet from residential property is required. This does not appear to have been correctly defined. The changes now require a residential adjacency setback of 57 feet where 375 feet is the minimum required. This makes the change seem more severe than it actually is. The only change to the building near the single-family residential development across First Street is the addition of less than ten feet in height and a balcony. The majority of the height that was added to the building is to the western side of the development along Main Street.

The addition of balconies, a dog run, and a pool will provide residents of this development with additional amenities. The balconies also enhance the design and aesthetics of the project. Balconies are present on floors two through seven. These additions will not have a negative affect on the surrounding area and approval of this project is recommended.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is considered to be compatible with the surrounding area. The development is a mixed-use mid-rise and the proposed changes will enhance the aesthetics of the development and provide additional services to the community.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development requires a waiver of residential adjacency requirements. This waiver is supported as there was a previous waiver approved with the original Site Development Plan Review (SDR-8649) and the proposed addition is located away from the adjacent single-family residential.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The subject property is located along Main Street and Bonanza Road; both are 100-foot Primary Arterials. The site also has frontage along First Street. These roads provide adequate access to and from the subject property.

4. Building and landscape materials are appropriate for the area and for the City;

Building and landscape materials remain unchanged from the approval of SDR-8649 and are considered appropriate for the area and the City of Las Vegas.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

Elevations and design characteristics are not unsightly or obnoxious in appearance. The addition of balconies provides an additional enhancement over the previous elevations. The proposed development will be harmonious and compatible with surrounding development.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The project will be subject to permit review and inspections; therefore, appropriate measures will be taken to protect public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 169 by Planning and Development Dept

APPROVALS 0

PROTESTS 0